

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 6, 14 and 15 have been amended to address formal matters. Claim 14 has been further amended to address the §112 issues noted below. New claims 18-22 have been added. Claim 18 is supported by claim 6 and the description at page 2, lines 6-10, page 3, lines 1-4, and page 4, lines 1-13 of the substitute specification filed on June 3, 2003. No new matter has been added.

Interview Summary

An telephone interview was conducted between Examiner Del Sol and Applicant's attorney Joshua Randall (Reg. No. 50,719) on November 12, 2004. The parties discussed the pending claims and the present Office Action. The Examiner suggested adding language to the claims that is supported verbatim from the present application. No agreement was reached as to the allowability of the claims.

Objections and §112 Rejections

The specification was objected to for several reasons. Applicant notes that a substitute specification that includes proper section heading was filed on June 3, 2003. The limitations of claims 7-9 are supported by original claims 2 and 3, Figures 2 and 3 (as amended), and the description at page 4, lines 7-13 (as amended) of the present specification. The claims have been amended to include terminology consistent with the specification for the terms "vacuum bell", "desired diameter", and "vacuum seal".

The amendment to page 4 of the specification filed on February 20, 2004, was objected to under 35 U.S.C. §132. Applicant respectfully traverses this objection. The measuring instruments have always been shown in the Figures of the present application. The original specification noted in error that the measuring instruments were "not represented in the drawings". Therefore, the addition of proper reference numbers for the measuring instruments in Figure 2 and the removal of the unintentionally added phrase "not represented in the drawings," should not be considered the addition of new matter.

Further, original claims 2 and 3 recite measuring instruments "resting on the outside wall of the pipe" (claim 2), and "control the outside diameter of the pipe in a touch-free manner" (claim 3). New Figure 3 has been added to illustrate measuring instruments that are associated with the pipe in a touch-free manner. The measuring instruments shown in Figure 3 are identical to those measuring instruments shown in Figure 2 with exception of the position of the measuring instruments relative to the outside wall of the pipe, and thus do not add new matter. A brief clarifying description of Figures 2 and 3 has been added at page 4, lines 7-13 of the present specification. Applicants respectfully request withdrawal of the objection and admittance of these changes to the application.

Claims 6 and 14 were objected to for the misspelling of the term "bathe". The claims have been amended as suggested by the Examiner.

Claims 6-9 and 14-17 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

As to claims 6 and 14, the substitute version of the present specification recites the following beginning at page 2, line 6:

In contrast to this, the object of the invention is to create a device in order to achieve during the production phase of the pipe, without interruption of the production process, a fully automatically-controlled conversion between several plastic pipe dimensions in the continuous extrusion process, the outside diameter and the pipe wall thickness being adjusted according to customer desires or to standardization, as the case may be.

The specification also recited the following at page 3, line 1:

The whole production line can be automatically controlled through settings controlled, for example, by the size of the pipe widened in the vacuum suction bell; that is to say, through the prescription of a setting, for example, inside the vacuum suction bell, all of the other calibrating-support and -sealing equipment fitting the outside diameter of the pipe is also set.

The specification further recites generally that the calibrating station, vacuum calibrating bath, a vacuum seal, and support rollers each include the capability to fit, support, or seal an

outer diameter of the extrusion pipe. Thus, the calibrating station, vacuum calibrating bath, a vacuum seal, and support rollers all fall under the definition of a "calibrating-support and – sealing equipment" as described at page 3, line 1 of the specification. As such, these features are all "automatically controlled through settings controlled, for example, by the size of the pipe . . . through the prescription of a setting . . .," as further described at page 3, line 1.

In view of the support provided by the present specification, Applicant submits that the specification does provide proper written description of the limitations of claims 6 and 14 and the claims that depend from them. Withdrawal of the rejection is earnestly requested.

New claims


New claims 18-22 have been added. Claim 18 is supported by at least claim 6 and the description at page 2, lines 6-10, page 3, lines 1-4, and page 4, lines 1-13 of the substitute specification filed on June 3, 2003. Claims 19-22 are supported by at least the description at page 2, lines 6-10 and page 3, lines 1-4 of the substitute specification. The art of record fails to disclose the automated controls required by claims 18-22. Consideration and allowance of new claims 18-22 is respectfully requested.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's representative below at 612.371.5265.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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John J. Gresens
Reg. No. 33,112
JJG/JNR:ae

Amendments to the Drawings

New Figure 3 has been added as a mere duplicate of Figure 2 with exception of the measuring instruments 12 that are shown having no physical contact with the outer surface of the molten extrusion 10.